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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,596	09/26/2001	James Mercs	80398.P118C	3700

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EXAMINER
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MEI, XU

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,596

Applicant(s)

MERCs ET AL.

Examiner

Xu Mei

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-10 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to the applicant's amendment dated 10/02/2006.

#### ***Response to Arguments***

2. Applicant's arguments filed 10/02/ 2006 have been fully considered but they are not persuasive. Arguments pertain to currently amended claims. These arguments are not persuasive as set forth in the following rejections.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-10 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle (US Patent 5,608,807) in view of Zampini et al. (US Patent 5,319,359).

Regarding Claim 1, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and 4), each indicator light in said plurality of indicator lights corresponding to a track of the multi-track recording system (Col. 6, lines 18-31). Brunelle does not disclose least one indicator light of said plurality of indicator

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lights configured with at least two light emitting devices enclosed within a single transparent housing and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material. Zampini discloses plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing (paragraph bridging columns 1 and 2, and R, G LEDs as shown in Fig. 2 is in a single transparent housing in order for user see) and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks (mixer is active) and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material (the associated channel of the other color indicated by the LED is a corresponding track that is associated with an output of recorded material, see Col. 4, lines 62 through Col. 5, lines 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the multi-track recording system of Brunelle use a light or LED device that configured with at least two LEDs to output a first and second color, as shown by Zampini, in order to provide the user with a multi-color status indicator for quick verification of mixing status of the multi-track recording system (see Col. 1, lines 34-40).

Regarding Claim 6, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein the first form is associated with the output of an input of the corresponding track and the second form is associated with the output of recorded material. The indicator lights is corresponding to non-transfer modes of the channel signal, such as level indicating for example (Col. 4, lines 34-51). Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material. Zampini discloses plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing (paragraph bridging columns 1 and 2, and R, G LEDs as shown in Fig. 2 is in a single transparent housing in order for user see) and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks (mixer is active) and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material (the associated channel of the other color indicated by the LED is a corresponding track that is associated with an output of recorded material, see Col. 4, lines 62 through Col. 5, lines 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the multi-track recording system of Brunelle use a light or LED device that configured with at least two LEDs to output a first and second

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color, as shown by Zampini, in order to provide the user with a multi-color status indicator for quick verification of mixing status or different channel signals modes of the multi-track recording system (see Col. 1, lines 34-40).

Regarding Claim 7, Brunelle further discloses the output to the plurality of level meters is derived from an external source (Col. 5, lines 36-39).

Regarding Claims 2-4 and 8-10, since Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). And the changing status or mode of the channel data would have inherently alternated the blinking sequence of the red LED and the green LED as disclosed by Zampini. Therefore, it would have been obvious to have an alternation blinking sequence between two colors as claimed because it would have been an alternative way of indication different situations or signs.

Regarding Claim 27, Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10).

Regarding Claim 28 and 29, Zampini further discloses features are applicable to other types of control of mix operations (Col. 2, lines 7-11).

Regarding Claim 30, Brunelle discloses a multi-track recording system, comprising a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein the first form is associated with the output of an input of the corresponding track and the

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second form is associated with the output of recorded material. The indicator lights is corresponding to non-transfer modes of the channel signal, such as level indicating for example (Col. 4, lines 34-51). Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material. Zampini discloses plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing (paragraph bridging columns 1 and 2, and R, G LEDs as shown in Fig. 2 is in a single transparent housing in order for user see) and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks (mixer is active) and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material (the associated channel of the other color indicated by the LED is a corresponding track that is associated with an output of recorded material, see Col. 4, lines 62 through Col. 5, lines 12). Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10) and discloses features are applicable to other types of control of mix operations (Col. 2, lines 7-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the multi-track recording system of Brunelle use a light or LED device that configured with at least two LEDs to output a first and second color, as shown by Zampini, in order to provide the user with a multi-color status indicator (more that two colors indication) for quick verification of mixing status or

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different channel signals modes of the multi-track recording system (see Col. 1, lines 34-40).

Regarding Claim 31, Brunelle discloses a multi-track recording system, comprising: a plurality of indicator lights (lights of 18 and lights of 4), each indicator light in said plurality corresponding to a track of the multi-track recording system (Col. 6, lines 18-31), each indicator configured to output a first form and a second form wherein the first form is associated with the output of an input of the corresponding track and the second form is associated with the output of recorded material. The indicator lights is corresponding to non-transfer modes of the channel signal, such as level indicating for example (Col. 4, lines 34-51). Brunelle does not disclose that the each indicator light is configured to output a first and second color wherein the first color is associated with the output of the recorded material. Zampini discloses plurality of indicator lights configured with at least two light emitting devices enclosed within a single transparent housing (paragraph bridging columns 1 and 2, and R, G LEDs as shown in Fig. 2 is in a single transparent housing in order for user see) and collectively outputting a first color and a second color wherein the first color identifies that the system is operating in a first mode where the corresponding track is able to be mixed with other tracks (mixer is active) and the second color identifies that the system is operating in the second mode where the corresponding track is associated with an output of recorded material (the associated channel of the other color indicated by the LED is a corresponding track that is associated with an output of recorded material, see Col. 4, lines 62 through Col. 5, lines 12). The changing status or mode of the channel data would have inherently



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alternated the blinking sequence of the red LED and the green LED. Zampini further discloses features are applicable to other types of control of mix or cross fade operations (i.e. third non-transport mode) (Col. 2, lines 8-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the multi-track recording system of Brunelle use a light or LED device that configured with at least two LEDs to output a first and second color, as shown by Zampini, in order to provide the user with a multi-color status indicator (more that two colors indication) for quick verification of mixing status or different channel signals modes of the multi-track recording system (see Col. 1, lines 34-40).

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle (US Patent 5,608,807) in view of Turnbull et al. (US Patent 5,803,579).

Regarding Claim 18, Brunelle discloses a method of indicating a track status of a track in a multi-track recording system comprising: determining a transport movement of the track in the multi-track recording system (ID display panel 18 and output meter 4); indicating the transport movement of the track by illuminating a first light emitting diode disposed in a housing (ID display panel 18 for marking the selective interconnection of different channels, i.e., movement of the different channels); determining a mode of the track in the multi-track recording system (instrument indicator 18). Brunelle does not disclose indicating the mode of the track by illuminating a second light emitting diode disposed in the housing in close proximity to the first light emitting diode such that when both the first LED and the second LED are activated, a third color is generated.

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Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). Turnbull et al. discloses a led with two colors to produce a third color (Col. 26, lines 38-53) to produce greater illumination. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a LED with two colors to produce a greater illumination and a more compact and space efficient visual output.

Regarding Claim 19, since Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42), it would have been obvious to have an alternation blinking sequence between two colors as claimed because it would have been an alternative way of indication different situations or signs.

6. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini et al. (US Patent 5,319,359).

Regarding Claim 20, Zampini discloses a plurality of recording tracks (Fig. 1); and a display comprising a plurality of single indicator lights (LED's, Col. 2, lines 5-23), each single indicator light conveying a monitored status of one corresponding track of the plurality of recording tracks, wherein the monitored status indicates both a transport movement and a mode (active device, paragraph bridging columns 1 and 2) of the one corresponding track. Although Zampini does not explicitly disclose the lights corresponding to a transport movement, Zampini discloses that the features of the invention are equally applicable with respect to other types of control of a mix or cross fade operation (i.e. transport movement) (Col. 2, lines 7-10). It is notoriously well known

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in the art that transport modes such as play and stop are commonly displayed to indicate to the user the status of an audio system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate the output of a transport mode by a light indicator using an efficient amount of space.

Regarding Claim 22, it is inherent that the output LEDs will indicate playing of the track by indicating it's output.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini as applied to claim 20 above in view of Zampini et al. (Zampini '789) (US Patent 5,444,789). Zampini does not disclose the mode of the track indicates one of a group comprising Read Audio Input On, Read Audio Input Off, Monitor, Slip Channels, Located Edits, or Input/Output Gain Adjustment. Zampini '789 discloses a mixer device with a LED which is automatically lit during monitoring, thereby indicating that the line out channels are being monitored (Paragraph bridging columns 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to indicate that a line out channel is being monitored for feedback to the user of the device.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini as applied to claim 20 above in view of Brunelle (US Patent 5,608,807). Zampini discloses a system as stated apropos of claim 20 but does not disclose a level meter corresponding to the indicator lights. Brunelle also discloses a mixer with level meter

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(4) to indicate the level of audio sound for each channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a level meter in order to indicate the output level for each channel as disclosed by Brunelle (Col. 4, lines 49-50).

9. Claims 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampini as applied to claim 20 above in view of Brunelle (US Patent 5,608,807), and further in view of Turnbull.

Regarding Claims 21, 24, and 25, the combinations of Zampini and Brunelle as in claim 20 above do not disclose a color produced by a first and second color. Brunelle discloses that identification information could be changed as necessary (Col. 5, lines 39-42). Turnbull et al. discloses a LED with two colors to produce a third color (Col. 26, lines 38-53) to produce greater illumination in a transparent housing (28 and 29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a LED with two colors to produce a greater illumination.

### ***Conclusion***

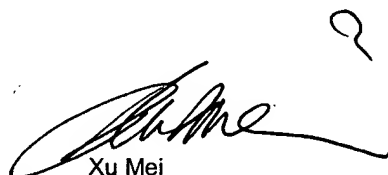
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Xu Mei  
Primary Examiner  
Art Unit 2615  
12/04/2006